Comment from Peter Strauss (strauss@law.columbia.edu)
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I remain concerned that agencies (and others) will find this recommendation susceptible of application to the kinds of documents Judge Leventhal excluded from consideration for review in National Automatic Laundry and Cleaning Council v. Shultz, 443 F.2d 689 (D.C.Cir. 1971) -- 750,000 annual letter rulings on wage and hour matters not carrying the Administrator's signature (ditto Customs letter rulings of the type discussed in United States v. Mead Corp. I'd like, then, to suggest as an amendment to fn. 1, replacement of the words "This Recommendation is addressed, at a minimum," beginning its second sentence, "This Recommendation is addressed to seriously considered documents generated by agency leadership, including relevant bureaus, in the expectation of shaping staff behaviors and/or public expectations, and is addressed, at a minimum"